IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12501 of 1994

Between:

D. Harinath S/o Seshaiah
R/o H.No.1-81/5, Bapunagar,
Saroornagar, Hyderabad

..... PETITIONER

AND

1 The Addl. Industrial Tribunal-cum-Addl. Labour Court, Hyderabad

rep. by its Chairman, Chandra Vihar Buildings, 1st Floor,
M.J. Road, Hyderabad
2 The Depot Manager APSRTC Bus Depot,
Disukhnagar Depot, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari and quash the Award passed by the 1st respondent in I.D.No.270/87, dt: 31-5-1991, published on 10-7-1991 in so far as it relates to the denial of back-wages and other attendant benefits to the petitioner, holding the same as illegal, unjust, contrary to law and perverse and grant him the consequential relief in the interest of justice and fair play

For the Petitioner:MR.A.K.JAYAPRAKASH RAO

For the Respondent No.: GP FOR SOCIAL WELFARE

The Court Made the Following :

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ORDER:

The petitioner, who is a conductor working with the second respondent herein files this writ petition, *inter alia* seeking to challenge the award dated 31.5.1991 in I.D.No.270 of 1987, as published on 10.7.1991 by way of notification denying the back wages while ordering reinstatement.

Heard both sides.

The facts in brief are that while the petitioner was conducting the bus on 13.1.1985 on route No.105, it was checked at 22.40 hrs., and a charge memo was issued, which contained allegations of collection of 0.25 ps. in stead of required fare of 0.30ps., and failed to issue ticket to a boy aged 18 years and further refused to sign passengers statement and caused detention of service for one hour. After enquiry the petitioner's services were terminated. Then he approached the first respondent, who after regular enquiry allowed the appeal, ordering reinstatement without back wages.

The grievance of the petitioner is that there is absolutely no reason, much less, in regard to denial of the back wages and even on a bare look at the allegations as made against him, there is no justification for denying the said back wages and further when the respondent no.1 having ordered the reinstatement, back wages should have been given automatically with all the attendant benefits.

Having considered the statements and also on perusal of the material available on record, it is seen that no doubt respondent No.1 in his award has not given any

finding as to why and for what reasons the petitioner is denied back wages, however, even on behalf of the respondent No.2 no proper explanation or any valid reason is forthcoming for his disentitlement of back wages.

In the circumstances, writ petition is accordingly allowed and the impugned award, to the extent of denying the back wages, is set aside with a direction to the second respondent to pay all the back wages with all the attendant benefits. No costs.

Dt.18.6.2004.

mdaa.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the eighteenth day of June, two thousand and four.s

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

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rep. by its Chairman, Chandra Vihar Buildings, 1st Floor,
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3. Two C.Cs. to G.P.for Social Welfare,

High Court of A.P., High Court building, Hyd. (OUT)

4. Two C.D.Copies.